

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KEVIN KIRSCH,

Plaintiff,

v.

Case No. 08-C-913

**JANE DOES, Sued as Nurses #1 and #2,
JOHN DOES, Sued as Doctor,**

Defendants.

ORDER

The pro se plaintiff is proceeding in forma pauperis on a deliberate indifference to a serious medical need claim based on allegations that defendants withheld his prescribed methadone medication while he was detained at the Racine County Jail. Although defendants responded to plaintiff's previous motion for a preliminary injunction, they have not yet been formally served. The United States Marshals Service is required to serve process on behalf of individuals proceeding in forma pauperis. See Fed. R. Civ. P. 4(c)(3). However, before I can order the Marshals to serve defendants, plaintiff needs to determine the identity of the defendants. Therefore, plaintiff will be given forty-five days to determine the names of the defendants and inform the court. Should it be necessary to serve a subpoena on the employer of the John Does for the purpose of obtaining information needed to identify them, plaintiff may request that the Clerk of Court issue a subpoena to plaintiff pursuant to Federal Rule of Civil Procedure 45. Plaintiff must complete the subpoena, attach an exhibit that describes the type of information that plaintiff needs, and have it served on the defendants' employer. (The Marshals can assist with service, if

necessary, but plaintiff is advised that they will charge for doing so.) The court expects counsel for the person served with any subpoena to cooperate with plaintiff's attempts to obtain the requested information. The court may impose sanctions against any party whose failure to cooperate results in unnecessary court supervision of discovery.

IT IS THEREFORE ORDERED that plaintiff identify the names of the Doe defendants and inform the court of their names within 45 days of the date of this order.

Dated at Milwaukee, Wisconsin, this 16 day of December, 2008.

/s _____
LYNN ADELMAN
District Judge